

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RICHARD C. BLUNK, M.D., RESPONDENT

FILE No. 02-13-255

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)

COMES NOW the Iowa Board of Medicine (Board) and Richard C. Blunk, M.D., (Respondent), on June 3, 2016, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was granted Iowa medical license no. 39153 on August 24, 2010.
2. Respondent's Iowa medical license is active and will next expire on November 1, 2016.

3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10), 23.1(5) and 13.7(4)(a) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa, including the following:

- a. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with the patient's parent or guardian, if the patient is a minor.

STATEMENT OF MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who practices pediatrics in Davenport, Iowa.

6. **Sexual Misconduct:** The Board alleges that Respondent engaged sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa, including the following:

- A. Respondent engaged in contact, touching, or comments of a sexual nature with the mother of one of his pediatric patients between October and December 2012.

- B. Respondent engaged in contact, touching, or comments of a sexual nature with a co-worker who was also the mother of one of his pediatric patients between September 2014 and October 2015.

7. **Sexual Misconduct Evaluation and Treatment:** Respondent voluntarily and successfully completed a comprehensive sexual misconduct evaluation at a Board-approved evaluation program on February 8, 2016. Respondent also voluntarily completed residential sexual misconduct treatment at the Board-approved treatment program and the program is supportive of Respondent continuing to practice medicine with appropriate restrictions.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action against his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

10. **FIVE YEARS PROBATION:** Respondent shall be placed on probation for a period of five (5) years subject to the following terms and conditions:

- A. **Board Monitoring Program:** Respondent shall establish a monitoring

program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. 515-281-5525, within 30 days of the date of this Order. Respondent shall meet with his Compliance Monitor within 30 days of the date of this Order. Respondent shall promptly and fully comply with all requirements of the monitoring program.

- B. **Compliance with Evaluation Program Recommendations:** Respondent shall fully comply with all recommendations made by the Board-approved evaluation program.
- C. **Polygraph Examinations:** Respondent shall submit to Board-approved polygraph examinations every six months.
- D. **Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys:**
 - 1) Respondent shall post the Principles of Medical Ethics in his medical practice as directed by the Board;
 - 2) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board; and
 - 3) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.
- E. **Counseling:** Respondent shall submit the name and CV of an Iowa-licensed physician or counselor for Board-approval and participate in Board-approved counseling under the following terms and conditions:

- 1) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board.
- 2) Respondent shall continue counseling until his discharge is approved by the Board.
- 3) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
- 4) Respondent is responsible for all costs associated with the counseling.

F. **Worksite Monitoring Program:** Respondent shall establish a worksite monitoring program with the Board under the following terms and conditions.

- 1) Respondent shall submit for approval the name of a physician who regularly observes and/or supervises him in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order.
- 4) The worksite monitor shall agree to inform the Board immediately if there is evidence of sexual misconduct, unprofessional conduct or a

violation of the terms of this Order.

5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

6) The worksite monitor shall submit quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

G. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this order. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.

H. **Board Appearances:** Respondent shall make an appearance before the Board upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

I. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses. The monitoring fee shall be received with each quarterly report required under this Order. The monitoring fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.

11. Respondent shall promptly and fully comply with the terms of this Order,

including the terms of his monitoring program and probation. If Respondent fails to promptly and fully comply with the terms of this Order including the terms of his monitoring program and probation, the Board may initiate further disciplinary action against Respondent, including suspension or revocation of his Iowa medical license.

12. Respondent voluntarily submits this Order to the Board for consideration.

13. Respondent agrees that the State's counsel may present this Order to the Board.

14. This Order constitutes the resolution of a contested case proceeding.

15. Respondent understands that by entering into this Order, he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

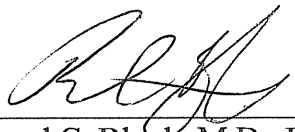
16. Respondent understands that by entering into this Order, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

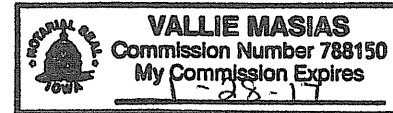
17. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

18. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

19. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

20. The Board's approval of this Order shall constitute a Final Order of the Board.


Richard C. Blunk, M.D., Respondent



Vallie Masias

Subscribed and sworn to before me on May 4, 2016.

Notary Public, State of Iowa.

This Order is approved by the Board on June 3, 2016.



Diane L. Clark, R.N., M.A., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686